

Summary Form for Electronic Document Submittal**Form F**

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: 2020100431Project Title: Great Oaks South Backup Generating FacilityLead Agency: California Energy CommissionContact Name: Lisa WorrallEmail: Lisa.worrall@energy.ca.gov Phone Number: 916-661-8367Project Location: San Jose Santa Clara County
City *County*

Project Description (Proposed actions, location, and/or consequences).

See Attachment A

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

See Attachment A

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

Nearby residents are concerned about project noise, air pollution, transportation, and property value issues.
A nearby business has tenants that are concerned about how their electrical supply and their business operations would be affected during project construction.

Provide a list of the responsible or trustee agencies for the project.

Responsible Agencies:

City of San Jose

Bay Area Air Quality Management District

Trustee Agencies:

California Department of Fish and Wildlife

Santa Clara Valley Habitat Agency

Summary Form Attachment A

Project Description (Proposed actions, location, and/or consequences).

The California Energy Commission (CEC) has the exclusive authority to certify all thermal power plants (50 megawatts [MW] and greater) and related facilities proposed for construction in California. The SPPE process allows applicants with facilities between 50 and 100 MW to obtain an exemption from CEC's jurisdiction and proceed with local permitting rather than requiring CEC certification. CEC can grant an exemption if it finds that the proposed facility would not create a substantial adverse impact on the environment or energy resources. Public Resources Code section 25519(c) designates CEC as the lead agency, in accordance with the California Environmental Quality Act (CEQA), for all facilities seeking an SPPE.

SV1, LLC, a wholly owned subsidiary of Equinix, LLC (SV1 or applicant) filed an application with the CEC seeking an exemption from the CEC's jurisdiction (Small Power Plant Exemption, or SPPE) for the Great Oaks South Backup Generating Facility (GOSBGF) (20-SPPE-01). The GOSBGF would be part of the Great Oaks South Data Center (GOSDC) to be located in the City of San Jose. The project was approved by the city on February 1, 2017 but was not constructed. Since its approval, SV1, LLC has made project design changes and is now seeking approval of an SPPE for the GOSBGF.

The GOSDC would consist of three 182,350 square foot, two-story data center buildings. The approximately 18-acre project site is associated with three addresses (123, 127, and 131 Great Oaks Boulevard) in the City of San Jose.

The GOSBGF would consist of 36 3.25-MW diesel-fired generators in six generation yards that would each be separately electrically interconnected to the three data center buildings. The GOSBGF would be used exclusively to provide backup generation and uninterruptible power supply for the GOSDC, and other than for routine maintenance and testing, would only operate in the event of a failure of the electrical service from Pacific Gas and Electric Company (PG&E) to the data center. In addition, the GOSBGF would include three life safety diesel fired generators, each capable of generating 0.50 MW. GOSBGF would have a generating capacity of up to 99.0 MW.

The GOSDC would connect to a new PG&E substation via five new 21 kilovolt (kV) distribution feeders that would extend underground along Via Del Oro and/or along Santa Teresa to the project site. The California Public Utilities Commission has granted PG&E approval to construct the new substation, which is called the "Santa Teresa Substation".

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

Less Than Significant with Mitigation Incorporated

Air Quality
(including Public Health)

The project would not conflict with or obstruct implementation of the applicable air quality plan. The project would not expose sensitive receptors to substantial pollutant concentrations. The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. The applicant proposes project design (PD) measure PD AQ-1 to reduce air quality impacts during project construction. This measure requires incorporation of the BAAQMD's best management practices to control fugitive dust. Staff recommends mitigation measure **(MM)AQ-1**, which adds exhaust control measures to reduce emissions from construction equipment. During readiness testing and maintenance, the oxides of nitrogen (NOx [as an ozone precursor]) emissions of the standby generators would be fully offset through the permitting process with the BAAQMD. With implementation of these measures during construction and NOx offsets for readiness testing and maintenance through BAAQMD's permitting requirements, the project would not cause a cumulatively considerable net increase of any criteria pollutant, and impacts would be reduced to **less than significant with mitigation incorporated**.

Biological Resources

The project would not affect state or federally protected wetlands, or interfere with the movement of any native resident or migratory fish or wildlife species or established wildlife corridors, or impede the use of native wildlife nursery sites. To avoid conflict with City of San Jose (City) policies and its Municipal Code regarding tree removal and protection of the Heritage Tree at the northeast corner of the project site, the applicant proposes project design measure PD BIO-1 specifying the tree replacement ratio and other mitigation to compensate for loss of trees on the site. The applicant proposes project design measure PD BIO-2 specifying protection measures to reduce impacts on the Heritage Tree during project construction. The applicant also proposes project design measure PD BIO-3 specifying pre-construction nesting bird surveys. Incorporation of PD BIO-1, PD BIO-2, and PD BIO-3 would reduce impacts on trees and nesting birds to **less than significant**. The project as proposed would not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Staff has proposed mitigation to mitigate potentially significant impacts on special-status species through habitat modifications. Staff recommends **MM BIO-1** to reduce the proposed project's significant impacts from nitrogen deposition on serpentine habitat to **less than significant with mitigation incorporated**. **MM BIO-1** would also mitigate the

proposed project's incremental contribution towards nitrogen deposition to less than cumulatively considerable

Cultural and Tribal Cultural Resources

The project would not impact any known resources that could meet CEQA's criteria for historical resources. However, previous cultural resources studies in the project area indicate that buried archaeological or ethnographic resources could be encountered during ground disturbing activities at the site. The applicant proposed design measure, PD CUL-2 includes procedures for the treatment of any human remains encountered during construction. Staff recommends a set of **MM CUL-1** through **MM CUL-4**, which are similar to the measures the City included in its Special Use Permit (SP15-031) issued in 2017 for the previously approved data center on the project site (SV1 2020d). The mitigation measures for the proposed project include a supplementary presence/absence trenching program (**MM CUL-1**). **MM CUL-2** through **MM CUL-4** consist of implementing a workers' environmental awareness program during construction (**MM CUL-2**), procedures for evaluating and mitigating any buried cultural resources encountered during construction (**MM CUL-3**), and a final report of findings from implementing **MM CUL-1** through **CUL-3** (**MM CUL-4**). With implementation of PD CUL-2 and these mitigation measures, potential impacts on cultural and tribal cultural resources would be reduced to **less than significant with mitigation incorporated**.

Geology and Soils (paleontology)

Construction would temporarily increase sedimentation and erosion by exposing soils to wind and runoff until construction is complete and new vegetation is established. The city's National Pollutant Discharge Elimination System Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. In accordance with General Plan policies, implementation of the regulatory programs and policies in place would reduce possible impacts of accelerated erosion during construction to a less than significant level. Continuous operation and maintenance work would not result in increased erosion or topsoil loss. The project site is located on expansive soil. With implementation of the anticipated project-specific recommendations in the final geotechnical engineering report (PD GEO-1) construction of the project would not expose people or property, directly or indirectly, to significant impacts associated with expansive soil. To reduce impacts relating to seismic hazards, the applicant proposes project design measure PD GEO-1 to ensure conformance with requirements of a final geotechnical engineering investigation and California and local building standards and codes. Incorporation of this measure would reduce potential impacts from seismic hazards to less than significant. Earth moving during project construction has the potential to disturb paleontological resources. Staff recommends **MM GEO-1** to train construction personnel and guide recovery and processing of any significant

paleontological finds; implementation of this measure would reduce the impact to **less than significant with mitigation incorporated**.

Greenhouse Gas Emissions

The greenhouse gas (GHG) emissions for the annual testing and maintenance emissions from the facility's stationary sources would be well below the BAAQMD significance thresholds of 10,000 MTCO₂e/yr. The City of San Jose's GHG Reduction Strategy is a Qualified Climate Action Plan under CEQA. This project would comply with the requirements of that plan with implementation of **MM GHG-1**, which would require the applicant to participate in San Jose Clean Energy at the TotalGreen level. Pursuant to California Code of Regulations, title 14, section 15183.5, the CEC may rely on that compliance in its analysis of GHG emissions impacts. Accordingly, staff concludes with implementation of **MM GHG-1**, the project's GHG emissions would not have a significant direct or indirect impact on the environment. The project's likelihood of operating for non-testing/non-maintenance (emergency) purposes is low and if such operation did occur it would be infrequent and of short duration. Staff concludes that these emissions would be less than significant. With implementation of the efficiency measures to be incorporated into the project, and **MM GHG-1**, GHG emissions related to the project would not conflict with the City's GHG Reduction Strategy or other plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs. Because the project would be consistent with applicable plans and policies adopted to reduce GHG emissions and would comply with all regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions, the potential for the project to conflict with an applicable plan, policy or regulation for GHG reductions would be less than significant. With implementation of **MM GHG-1**, impacts related to GHG emissions would be **less than significant with mitigation incorporated**.

Noise

Sources of groundborne vibration associated with project operation would include the backup generators and rooftop equipment. These pieces of equipment would be well-balanced, as they are designed to produce very low vibration levels throughout the life of a project. In most cases, even when there is an imbalance, they could contribute to ground vibration levels only in the vicinity of the equipment and would be dampened within a short distance. Furthermore, the backup generators would be equipped with specifications that ensure sufficient exhaust silencing to reduce vibration. Therefore, vibration impacts due to project operation would be less than significant. The project site is not in the vicinity of a private airport and it would not place sensitive land uses within an airport noise contour (the site is 11 miles from the Norman Y. Mineta San Jose International Airport). Thus, the project would not combine with the airport to expose people to excessive noise levels. Construction activities would elevate noise levels at adjacent businesses and residences nearest the project site. The applicant proposes project design measures PD NOI-1 and PD NOI-2 to reduce temporary noise from

construction. Staff recommends **MM NOI-1** to add nearby residents to the construction notification requirements. The inclusion of **MM NOI-1** with PD NOI-1 and PD-NOI-2 would reduce noise impacts to **less than significant with mitigation incorporated**.

Transportation

Project construction would not significantly obstruct any transit, roadway, bicycle, or pedestrian facilities in the area. Construction activities would occur mostly onsite and not in the public right-of-way, with the exceptions of: installation of underground electrical distribution feeders at Via Del Oro; sidewalk improvements along Great Oaks Boulevard, San Ignacio Avenue, and Via Del Oro; removal of triangular raised (“pork chop”) islands at Great Oaks Boulevard and Santa Teresa Boulevard intersection; addition of a new Class II bicycle lane along Via Del Oro; and construction of project access points at Great Oaks Boulevard, San Ignacio Avenue and Via Del Oro. Project construction would not otherwise temporarily or permanently alter any public roadways or intersections. Project operation would occur on-site. Project-generated vehicle miles traveled (VMT) per employee would exceed the City’s thresholds for industrial employment and office employment uses. The applicant proposes project design measure PD TRA-1 requiring preparation and implementation of Transportation Demand Management measures, which would cause the project VMT to fall below the thresholds, thereby reducing the impact to less than significant. The project would not result in hazards to aircraft from either a geometric design feature, such as structure height, or incompatible uses, including land uses or thermal plumes. The project would not increase any other hazards. A fire access lane would be constructed along the southern property boundary of the site to provide site access for emergency vehicles. The project would not physically block any access roads or result in traffic congestion that could significantly compromise timely access to this facility or other facilities located within the project vicinity during construction and operation. Impacts to transportation would be **less than significant**.

Proposed Mitigation Measures

MMAQ-1: To minimize the exhaust emissions during construction, the project owner shall implement the following measures:

Use diesel construction equipment that meets US EPA Tier 4 interim or Tier 4 final emission standards if commercially available.

- If Tier 4 engines are not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet US EPA emission standards for Tier 3 engines. If such are not available, Tier 2 or lower Tier engines using retrofit controls verified by ARB or US EPA can be used.
- Provide line power, if available, to the site to minimize the use of diesel-powered stationary equipment, such as generators.

MM BIO-1: Additional Nitrogen Deposition Fee for Point Source Emissions.

- Complete and submit an Application for Nitrogen Deposition-Only Projects to the city of San Jose and reference the original data center project. Pay the additional one-time nitrogen deposition fee of \$1,926.72 to the city of San Jose.

MM CUL-1: An archaeologist qualified in local historical and prehistory archaeology shall augment the applicant's subsurface presence/absence program by excavating additional backhoe trenches in the archaeological PAA prior to construction. The purpose of excavating the trenches is to determine whether any intact archaeological deposits are present on-site. Based on the archaeological site dimensions presented in Table 5.5-2, a trenching interval with a reasonable chance of finding buried archaeological resources (if present) would be about 150 feet (the median value of site dimensions in Table 5.5-2 is 153 feet). Should any archaeological features or deposits be identified, a focused research design and treatment plan shall be prepared to address any potential resources exposed during construction activities followed by archaeological excavation of these features. The applicant will secure the services of a Secretary of the Interior-qualified archaeologist and a Native American monitor to observe grading of native soil once all pavement is removed from the project site. The applicant shall submit the name and qualifications of the selected archaeologist and Native American Monitor to the Director of Community Development prior to the issuance of a grading permit. Preference in selecting Native American monitors shall be given to Native Americans with:

1. Traditional ties to the area being monitored.
2. Knowledge of local historic and prehistoric Native American village sites.
3. Knowledge and understanding of Health and Safety Code, section 7050.5, and Public Resources Code, section 5097.9 et seq.
4. Ability to effectively communicate the requirements of Health and Safety Code, section 7050.5, and Public Resources Code, section 5097.9 et seq.
5. Ability to work with law enforcement officials and the Native American Heritage Commission to ensure the return of all associated grave goods taken from a Native American grave during excavation.
6. Ability to travel to project sites within traditional tribal territory.
7. Knowledge and understanding of Title 14, California Code of Regulations, section 15064.5.
8. Ability to advocate for the preservation in place of Native American cultural features through knowledge and understanding CEQA mitigation provisions.
9. Ability to read a topographical map and be able to locate site and reburial locations for future inclusions in the Native American Heritage Commission's Sacred Lands Inventory.

10. Knowledge and understanding of archaeological practices, including the phases of archaeological investigation.

MM CUL-2: Prior to and for the duration of ground disturbance, the project owner shall provide Worker Environmental Awareness Program training to all existing and any new employees. This training should include: a discussion of applicable laws and penalties under the laws; samples or visual aids of artifacts that could be encountered in the project vicinity, including what those artifacts may look like partially buried, or wholly buried and freshly exposed; and instructions to halt work in the vicinity of any potential cultural resources discovery, and notify the city-approved archaeologist and Native American cultural resources monitor. The applicant shall contract with qualified cultural resources specialists to prepare the training materials.

MM CUL-3: If prehistoric and/or historic resources are encountered during construction, all activity within a 50-foot radius of the find will be stopped and the archaeologist and Native American monitor will examine the find and record the site, including field notes, measurements, and photography for a Department of Parks and Recreation 523 Primary Record form. The archaeologist will provide recommendations regarding eligibility for the California Register of Historical Resources, data recovery, curation, or other appropriate mitigation. Ground disturbance within the 50-foot radius can resume once these steps are taken and the City of San Jose has concurred with the recommendations.

MM CUL-4: Within 30 days of the completion of construction, the applicant shall have the archaeologist/Native American monitor prepare a report of findings. The report shall document the archaeological/Native American resource finds, if any, recommendations, data recovery efforts, and other pertinent information gleaned during construction. The report shall be submitted to the City of San Jose for review and approval. The applicant shall submit the final report to the Northwest Information Center of the California Historical Resources Information System.

MM GEO-1: To ensure impacts to paleontological resources are less than significant:

- Prior to the start of any subsurface excavations that would extend beyond previously disturbed soils, all construction forepersons and field supervisors shall receive training by a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology, who is experienced in teaching non-specialists, to ensure they can recognize fossil materials and shall follow proper notification procedures in the event any are uncovered during construction. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who shall evaluate its significance.
- If a fossil is found and determined by the qualified paleontologist to be significant and avoidance is not feasible, the paleontologist shall develop and implement an excavation and salvage plan in accordance with Society of Vertebrate Paleontology standards. Construction work in these areas shall be halted or diverted to allow

recovery of fossil remains in a timely manner. Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, repaired, sorted, and cataloged. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall then be deposited in a scientific institution with paleontological collections. A final Paleontological Mitigation Plan Report shall be prepared that outlines the results of the mitigation program. The Director of Planning and Inspection shall be responsible for ensuring that the paleontologist's recommendations regarding treatment and reporting are implemented.

MM NOI-1: The project shall implement the following measures to reduce temporary construction noise to less than significant levels.

- Notify the residents south of the project site immediately across Santa Teresa Boulevard of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses.
- Include the telephone number for the disturbance coordinator construction site in a notice regarding the construction schedule sent to residents south of the project site immediately across Santa Teresa Boulevard.